

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 1-18 and 20-50 are now pending in this application.

Applicants wish to thank the Examiner for the careful consideration given to the claims as well as indicating that claims 7-9 are allowed.

Interview

Applicants wish to thank the Examiner for the courtesy shown to Applicants' representative, Mr. Matthew Kremer (Reg. No. 58,671), during the interview conducted on 3/12/2009. The Examiner offered possible suggestions for amending the claims to overcome the current rejections. These suggestions have been considered by the Applicants and incorporated into the Response. Applicants have been told by the Examiner that such amendments would raise new issues requiring further search and/or consideration. Thus, this Response is being accompanying by a Request for Continued Examination (RCE).

Rejection of claims 1-6, 10-18, and 20-48 based on Tsunoda and Eto

Claims 1-6, 10-18, and 20-48 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent 5,582,239 ("Tsunoda") and U.S. Patent 5,605,191 ("Eto"). For at least the following reasons, these rejections are traversed.

Claims 1 and 37 (as amended) recites, among other things, a base device comprising a support level with openings, a predefined plane of the base device situated above the support level, and at least one projection which protrudes from the predefined plane of the base device. The at least one protrusion is formed by a vertical wall projecting upward from the predefined plane, an inclined wall projecting upward at an angle from the support level, and a horizontal wall connecting the vertical and inclined walls. No combination teaches or suggests this combination of features.

For instance, Tsunoda does not teach or suggest that the at least one protrusion is formed by a vertical wall projecting upward from the predefined plane, an inclined wall projecting upward at an angle from the support level, and a horizontal wall connecting the vertical and inclined walls. Tsunoda merely discloses concave surfaces 62 and 63 that extend below the bottom wall 21b of the upper tank 21 (Figs. 5 and 9 of Tsunoda), and these concave

surfaces are not formed by a vertical wall projecting upward from a predefined plane, an inclined wall projecting upward at an angle from a support level, and a horizontal wall connecting the vertical and inclined walls. Thus, Tsunoda does not teach or suggest all the features of claim 1 or 37.

Eto does not cure the deficiencies of Tsunoda because Eto does not teach or suggest any protrusions formed by a vertical wall projecting upward from a predefined plane, an inclined wall projecting upward at an angle from a support level, and a horizontal wall connecting the vertical and inclined walls.

Because Tsunoda and Eto do not teach or suggest at least one protrusion that is formed by a vertical wall projecting upward from the predefined plane, an inclined wall projecting upward at an angle from the support level, and a horizontal wall connecting the vertical and inclined walls, claims 1 and 37 are allowable.

Claims 2-6, 10-18, 20-36, and 38-47 depend from and contain all the features of claim 1 or claim 37, and are allowable for the same reasons indicated above, without regard to the further patentable features contained therein.

Claim 48 (as amended) recites, among other things, at least one first collecting and/or distributing device for at least one liquid medium; and a plurality of throughflow devices, the collecting and/or distributing device being fluidically connected to the plurality of throughflow devices through which the medium flows at least in sections. The base device has at least one projection which protrudes inward with respect to the collecting and/or distributing device from a predefined plane of the base device. The at least one protrusion is formed by a vertical wall projecting upward from the predefined plane, an inclined wall projecting upward at an angle from a support level, and a horizontal wall connecting the vertical and inclined walls. As previously mentioned, Tsunoda and Eto do not teach or suggest at least one protrusion that is formed by a vertical wall projecting upward from the predefined plane, an inclined wall projecting upward at an angle from a support level, and a horizontal wall connecting the vertical and inclined walls. Because Tsunoda and Eto does not teach or suggest these features, claim 48 is allowable.

For at least these reasons, favorable reconsideration of the rejections is respectfully requested.

Allowability of claims 49-50

Claims 49-50 depend from and contain all the features of claim 1, and are allowable for the same reasons as claim 1, without regard to the further patentable features contained therein. For at least these reasons, allowance of claims 49-50 is respectfully requested.

Conclusion

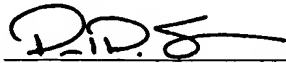
Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 3/23/09

By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5540
Facsimile: (202) 672-5399

Paul D. Strain
Attorney for Applicant
Registration No. 47,369